

Case Summary

George Crawford appeals the denials of his motions for jail time credit. We affirm.

Issue

The sole issue for our review is whether the trial court properly denied Crawford's motions for jail time credit.

Facts

Crawford was charged with possession of a stolen firearm, possession of stolen property, and possession of cocaine on October 6, 1999. He pled guilty to Class C felony possession of cocaine and the State dismissed the other two counts. Contemporaneously with that plea, Crawford also pled guilty to two additional counts, Class C felony possession of a handgun and battery.¹ These charges had been filed under two other cause numbers.

In issuing the sentences for each of the three charges, the trial court acknowledged that jail time had been served before sentencing. The court sentenced Crawford to four years for the possession of cocaine conviction and issued six days of credit. The record is unclear on how that credit was calculated or which periods of custody were taken into account. The trial court imposed a four-year sentence for the possession of a handgun conviction and granted seven days credit. As to the battery conviction, the trial court imposed a one-year sentence with 108 days of credit. The sentences were to run

¹ The class assignment of the battery conviction is not included in the record.

consecutively. No explanation or calculation of the second and third sets of credits applicable to these additional sentences was included during the sentencing hearing or within the record. Crawford did not include the chronological case summaries (“CCS”) for the other cause numbers from which these charges originated. The only information regarding these sentences is the transcript and we are unaware of how, if at all, they may have previously been challenged.

The CCS in this case indicates that on several occasions between the charging date and the guilty plea Crawford was in custody, yet the specific timeline of custody is unclear. Crawford did not clarify this factual issue in his motions or through the appellate record. Crawford contends he was in custody in Berrien County, Michigan during an unspecified period of time. The only reference in the record to this custody is a single CCS entry on May 12, 2000, referencing that the defendant was incarcerated in Berrien County.

Crawford moved pro se to modify his sentence on March 13, 2006, and August 14, 2006. The March 13, 2006 motion requested jail time credit of 322 days, but did not specify which offense this time was served for or which sentence should be modified. The August 14, 2006 motion more specifically requested 322 days of credit to be applied to the four-year sentence for the possession of cocaine conviction. It appears from the CCS that Crawford also had previously moved to modify his sentence on October 26, 2005, and November 18, 2005, with the assistance of counsel. The trial court denied all the motions. This appeal followed.

Analysis

Crawford contends on appeal that he is entitled to an additional 299 days jail time credit. This number of days is different than the number requested in Crawford's previous motions before the trial court. Crawford presents no evidence to delineate his various claims of jail time or for which offenses he had been serving the time. Without this information, it is impossible to know or assess how this potential credit would apply to each sentence, if at all. Contrary to his contentions, the CCS is not sufficient proof of his alleged time served.

Depending on an inmate's classification, Indiana law may award one day of credit for every day or one day of credit for every two days an individual serves while awaiting trial or sentencing. Ind. Code § 35-50-6-3. The trial court determines credit time at the time of sentencing. Robinson v. State, 805 N.E.2d 783, 792 (Ind. 2004). "Determination of a defendant's pretrial credit is dependant upon (1) pretrial confinement, and (2) the pretrial confinement being a result of the criminal charge for which the sentence is being imposed." Payne v. State, 838 N.E.2d 503, 510 (Ind. Ct. App. 2005), trans. denied. When an individual is in custody awaiting trial on more than one charge and is sentenced to concurrent terms, he or she is entitled to receive credit time against each separate charge. Id. If a defendant receives consecutive terms, however, he or she is only allowed credit against the aggregate of the terms. Id.

Crawford contends the trial court did not properly apply jail time credit for various periods when he was in custody between 2000 and 2003. We find nothing in the record to support Crawford's argument. Crawford fails to support this contention with evidence

or citations to the record to establish the parameters of these alleged pre-sentence incarcerations. The only evidence, which is quite slight, is the CCS from St. Joseph County. The transcript from the sentencing hearing does indicate the trial court took some jail time into account, but does not specify how that time was computed. It is entirely uncertain how much time was served prior to Crawford's sentencing. It is also unclear which charges Crawford was serving time for or if that custody even had anything to do with the charge at issue on appeal.²

Crawford did not present his pre-sentencing credit time argument by way of a petition for post-conviction relief. Rather, he filed motions to add jail time credit in which he essentially moved to correct what he contended was an erroneous sentence. Robinson instructs that motions to correct an erroneous sentence are only proper when used to correct sentencing errors that are clear from the face of the judgment. Robinson, 805 N.E.2d at 787. Crawford does not establish any facial error in his sentencing judgment. Consideration of Crawford's contentions would require analysis of matters beyond the face of the sentencing judgment, which may not be undertaken on a motion to correct erroneous sentence following Robinson. The trial court did not err in denying his motions.

² Crawford points out his incarceration in Berrien County, Michigan, yet a defendant is not entitled credit to an Indiana sentence for time incarcerated in other jurisdiction for a different offense. Carrion v. State, 619 N.E.2d 972, 973 (Ind. Ct. App. 1993), trans. denied. As such, any incarceration in Berrien County, Michigan for an offense in that state would not entitle Crawford credit on his Indiana sentence for Indiana offenses.

Conclusion

Crawford did not demonstrate that he was entitled to a sentence modification based on jail time credit. We affirm the trial court's denial of Crawford's motions to modify his sentence.

Affirmed.

KIRSCH, J., and ROBB, J., concur.